

# Notice of Allowability

Applicati n No.

10/027,447

Examin r

Brian P Mruk

Applicant(s)

BEHLER ET AL.

Art Unit

1751

## -- The MAILING DATE f this communication appears n th cover she t with th correspondenc address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to November 17, 2003.
2. ☒ The allowed claim(s) is/are 11,13-21 and 23-31.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |  |   |
|--|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                             | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____             |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____  | 7 <input type="checkbox"/> Examiner's Amendment/Comment                             |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | 9 <input type="checkbox"/> Other  |

Brian P. Mruk  
BRIAN P. MRUK  
PATENT EXAMINER  
TECH CENTER 1700

### REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

Hennemann et al, U.S. Patent No. 4,153,570, discloses a low foaming liquid washing detergent comprising 5-12% by weight of a sulfonate surfactant, 2-6% by weight of a sodium alkylpolyglycol ether sulfate, 2-6% by weight of a potassium or sodium soap, 15-28% by weight of an ethoxylated alcohol containing 16-18 carbon atoms and 8-12 ethoxylate groups, 2-7% by weight of a diethanolamide of a fatty acid, 4-10% by weight of a sulfonate, and 2-7% by weight of an alkanol (see col. 2, lines 8-45). However, patentee differs from applicant in that Hennemann et al does not teach or suggest in general a detergent composition comprising an ethoxylated alcohol that has a carbon chain length distribution in the alkyl group of (i) from about 55 to 65% by weight of C<sub>16</sub> saturated, (ii) from about 2 to 10% by weight of C<sub>18</sub> saturated, (iii) from about 25 to 30% by weight of C<sub>18</sub> mono-unsaturated, and (iv) from about 1 to 5% by weight of C<sub>18</sub> di-unsaturated, as required by applicant in the instant claims.

Smith et al, U.S. Patent No. 6,551,976, discloses a surfactant mixture comprising 40-60% by weight of a linear alcohol ethoxylate having about 3 to about 7 moles of ethylene oxide and a C<sub>12/14/16</sub> alkyl group, 20-30% by weight of an alkyl ether sulfate, and 20-30% by weight of an alkyl polyglycoside (see col. 5, lines 4-16 & col. 6, lines 20-30). However, patentee differs from applicant in that Smith et al does not teach or suggest in general a surfactant mixture comprising an ethoxylated alcohol that has a carbon chain length distribution in the alkyl group of (i) from about 55 to 65% by weight

Art Unit: 1751

of C<sub>16</sub> saturated, (ii) from about 2 to 10% by weight of C<sub>18</sub> saturated, (iii) from about 25 to 30% by weight of C<sub>18</sub> mono-unsaturated, and (iv) from about 1 to 5% by weight of C<sub>18</sub> di-unsaturated, as required by applicant in the instant claims.

Accordingly, the claims viewed as a whole would not have been obvious to one of ordinary skill in the art at the time of the invention after viewing the prior art of record.

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Mruk whose telephone number is (703) 305-0728. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 (Before Final) and (703) 872-9311 (After Final).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

BPM

Brian Mruk  
November 26, 2003

*Brian P. Mruk*

Brian P. Mruk  
Patent Examiner  
Tech Center 1700